

REMARKS

This Amendment is responsive to the Office Action of October 17, 2003.

Applicant would initially like to thank the Examiner for granting telephone interview of February 6, 2004. Claims 1, 7-9, 15, 16, 25-29 and 32 have been amended pursuant to the agreement reached in the interview. Claims 23 and 24 have been canceled without prejudice. Thus, Claims 1-22 and 25-34 are pending in this case. Reexamination and reconsideration are respectfully requested.

CLAIM REJECTIONS – CLAIMS 24 & 30 – § 112

In the Office Action, Claims 24 and 30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Based on the telephonic interview of February 6, 2004, Applicant's counsel clarified that the recited "lateral flow immunoassay strip" was a separate strip as shown in a preferred embodiment illustrated in Figures 8 and 9. It was agreed to by Examiner Alexander and Applicant's counsel that no further amendments were necessary to resolve the § 112 concerns.

CLAIM REJECTIONS – CLAIMS 1-34 – §§ 102(b) and 103

In the Office Action, Claims 1-34 were rejected under as being either anticipated by Horstman et al. (US 5,006,474) or unpatentable over Horstman et al. in view of Lappe (US 5,916,815). Pursuant to the agreement on the claims reached between Examiner Alexander and Applicant's counsel during the telephonic interview of February 6, 2004, Applicant has amended the claims accordingly.

In particular, all independent claims, including the method claims, have been amended to recite that the non-immunoassay contact urinalysis, or detection, pad is configured to detect adulterants. Applicant has amended particular dependent claims to specify certain adulterants being detected.

As suggested by the Examiner, Applicant has amended independent Claim 16 to include both a lateral flow immunoassay strip as well as a non-immunoassay contact detection pad adapted to detect one or more specific adulterants.

As agreed to in the telephonic interview which is memorialized in the Interview Summary enclosed herewith, Horstman et al. do not teach or suggest the use of a separate absorbent strip to wick urine to a contact detection, or urinalysis, pad that is adapted for detecting one or more adulterants. It was further agreed that this feature is not taught or suggested in any of the prior art currently of record.

All of the independent claims have been amended to recite this feature. Applicant further submits that the dependent claims recite additional features not found in Horstman et al.

Therefore, Applicant respectfully submits that each independent claim is allowable over all prior art currently of record, including Horstman et al. and Lappe. Applicant further submits that the dependent claims are allowable over the cited reference for their dependence on allowable independent claims, for the further patentable features recited therein, and for any further grounds as may be recognized by the Examiner.


SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance. Applicants encourage the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 9, 2004

by Angela Williams


Signature

February 9, 2004

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43,754

Myers Dawes Andras & Sherman LLP
19900 MacArthur Boulevard, 11th Floor
Irvine, CA 92612
(949) 223-9600

Docket No. BRA4.PAU.05

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raphael C. Wong

Examiner: Alexander, Lyle

Serial No.: 09/840,566

Art Unit: 1743

Filed: April 23, 2001

Title: LATERAL FLOW CONTACT TEST
APPARATUS

INTERVIEW SUMMARY UNDER 37 CFR §1.133

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please make the following INTERVIEW SUMMARY of record according to 37
CFR §1.133(b), MPEP §713.04.

PARTICIPANTS:

1. Examiner: Lyle A. Alexander
2. Applicant's counsel: Vic Lin, Reg. No. 43,754

DATE OF INTERVIEW: Friday, February 6, 2004

TYPE OF INTERVIEW: Telephonic

EXHIBITS OR DEMONSTRATIONS: None

CLAIMS DISCUSSED: Generally, independent Claims 1, 9, 16, 25, 29 and 32; and
dependent Claims 7 and 16.

PRIOR ART DISCUSSED: Horstman et al. (US 5,006,474)

PRINCIPAL PROPOSED AMENDMENTS AND ARGUMENTS DISCUSSED:

Applicant's counsel proposed amending the independent claims to recite that the non-immunoassay contact urinalysis pad is adapted to detect for adulterants. The Examiner suggested that corresponding revisions be made to the preambles of the independent claims.

Regarding Independent Claim 16, the Examiner suggested incorporating dependent Claim 24 such that Claim 16 would be directed to a device that includes both an adulterant test pad as well as an immunoassay.

RESULTS:

An agreement with respect to the claims was reached. In particular, Examiner Alexander agreed that the proposed amendments to the claims would overcome the prior art of record, including Horstman et al.

Examiner Alexander also agreed that Applicant need not file a Request for Continued Examination (RCE), but should proceed to file an amendment after final incorporating the proposed revisions discussed above. Applicant has enclosed herewith such an Amendment which includes the claim revisions as agreed to by Examiner Alexander and Applicant's counsel. Examiner Alexander also indicated that he would telephone Applicant's counsel should any further issues remain.

Examiner Alexander also graciously agreed to accept a fax of the amendment though an original will also be filed by mail.

Applicant would like to thank Examiner Alexander for granting the telephone interview. The Examiner is invited to telephone the undersigned attorney if any open issues remain with respect to the telephone interview.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 9, 2004

Angela Williams



Signature

February 9, 2004

Respectfully submitted,



Vic Lin, Esq.
Registration No. 43,754
Myers Dawes Andras & Sherman LLP
19900 MacArthur Blvd, 11th Floor
Irvine, CA 92612
(949) 223-9600